



Civil Miscellaneous Appeal No.1231 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.06.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Civil Miscellaneous Appeal No.1231 of 2024

The Managing Director,
Tamil nadu State Transport Corporation (Salem) Limited,
No.12, Ramakrishna Road, Salem 637 007 ... Appellant

Vs.

1. Revathi
2. Minor Stephanraj
3. Minor Abitha
4. Minor Vindhiya

... Respondents

Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the judgment and decree dated 27.10.2022 made in M.C.O.P No.710 of 2019 on the file of Motor Accident Claims Tribunal, Special District Court, Villupuram.

For Appellant : Mr.D.Nitin

For Respondents : Mr.T.Gopinath



Civil Miscellaneous Appeal No.1231 of 2024

WEB COPY

JUDGMENT

The Transport Corporation has filed this appeal challenging the award dated 27.10.2022 made in M.C.O.P No.710 of 2019 on the file of Motor Accident Claims Tribunal, Special District Court, Villupuram.

2. The claimants, who are the wife and three minor children of the deceased Nagalingam filed the claim petition on the ground that the deceased Nagalingam on 04.08.2016, was going in his two wheeler near Ulunderpet Railway bridge and at about 2.30 p.m, the driver of the bus belonging to the Appellant Corporation drove the bus in a rash and negligent manner and as a result, the bus hit the two wheeler and the deceased was thrown out of the vehicle and he sustained grievous injuries. Unfortunately, he succumbed to the injuries. It is under these circumstances, the claim petition came to be filed before the Tribunal seeking for payment of compensation.

3. The Tribunal on considering the facts and circumstances of



WEB COPY

the case and on appreciation of oral and documentary evidence came to a conclusion that the deceased had also contributed to the negligence and therefore, fixed 40% negligence against the deceased and 60% negligence on the transport corporation. Having rendered such a finding, the Tribunal determined the total compensation at Rs.18,37,500/-. Out of the same, 60% was put against the respondent Corporation.

4. The respondent corporation aggrieved by the award passed by the Tribunal has filed the present appeal questioning the quantum of compensation.

5. Heard Mr.D.Nitin, learned counsel for appellant/Insurance company and Mr.T.Gopinath, learned counsel for claimants.

6. This Court has carefully considered the submissions made on either side and the materials available on record.

7. This Court also carefully went through the award passed by the Tribunal.



WEB COPY

8. The main ground that was urged by the learned counsel for the appellant was that the deceased was totally responsible for this accident and therefore, no negligence can be attributed against the appellant corporation. It was further submitted that the FIR was actually registered based on the complaint given by the driver of the bus in Crime No.411 of 2016 to the effect that the accident had taken place only due to the negligence of the deceased and the same was not taken into consideration by the Tribunal. That apart, the learned counsel also questioned the notional income that was fixed by the Tribunal and the compensation that was granted under the head of loss of income.

9. On carefully going through the award passed by the Tribunal, it is seen that the Tribunal has properly appreciated the evidence of PW1 and 2 and also the evidence of RW1, who was the driver of the bus. The Tribunal found that the driver of the bus had also contributed to the negligence and thereby, the Tribunal fixed the negligence at 40% : 60%. The said finding of the Tribunal does not suffer from any illegality and it does not require the interference of this Court.



Civil Miscellaneous Appeal No.1231 of 2024

WEB COPY

10. Insofar as the quantum of compensation is concerned, the compensation fixed is reasonable and it does not require the interference of this Court.

11. In the light of the above discussion, this Court does not find any ground to interfere with the award passed by the Tribunal and accordingly, this Civil Miscellaneous appeal stands dismissed. No costs.

19.06.2024

Speaking Judgment/Non-speaking Judgment

Index :Yes/No

Neutral citation: Yes/No

rka



WEB COPY



Civil Miscellaneous Appeal No.1231 of 2024

N.ANAND VENKATESH.,J
rka

To,
Motor Accident Claims Tribunal, Special District Court, Villupuram.

Civil Miscellaneous Appeal No.1231 of 2024

19.06.2024